

NOT FOR PUBLICATION

(Doc. No. 10)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

H&R BLOCK BANK,	:	
	:	
Plaintiff,	:	Civil No. 11-3358 (RBK/KMW)
	:	
v.	:	ORDER
	:	
JBW HOLDINGS, LLC, JAMES B.	:	
WILSON, and JOANN L. CABALLERO,	:	
	:	
Defendant.	:	
	:	

THIS MATTER having come before the Court upon the motion of H&R Block Bank (“Plaintiff”) for entry of final judgment by default against JBW Holdings, LLC, James B. Wilson, and Joann L. Caballero (“Defendants”), and the Court having considered the Plaintiff’s unopposed moving papers; and

IT APPEARING TO THE COURT that Plaintiff has filed for entry of final judgment of default pursuant to Federal Rule of Civil Procedure 55(b)(2); and

IT FURTHER APPEARING TO THE COURT that default as to Defendants was entered by the Clerk on August 10, 2011; and

IT FURTHER APPEARING TO THE COURT that some of the Defendants are individuals; and

THE COURT NOTING that, “[w]here the defaulting defendant is an individual, the plaintiff must satisfy the Servicemembers Civil Relief Act by submitting an affidavit of

nonmilitary service,” New Jersey Federal Civil Procedure 17-3:3.1 (eds. Robert E. Bartkus and Elizabeth J. Sher, 2011); and

THE COURT NOTING that Plaintiff alleges, upon information and belief, that Defendants are not members of the military;

THE COURT FINDING that Plaintiff’s allegation is insufficient to satisfy the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 et seq.¹;

IT IS HEREBY ORDERED that Plaintiff’s motion for entry of final judgment by default is **DENIED**.

Dated: 2/23/12

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge

¹For an affidavit to be sufficient, movant must contact “the various military services . . . and [obtain] a certificate . . . from each of them confirming a defendant’s nonmilitary service.” New Jersey Federal Civil Procedure 17-3:3.1 (eds. Robert E. Bartkus and Elizabeth J. Sher, 2011).